

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

|  |   |                          |
|--|---|--------------------------|
| In Re:                                   | § |                          |
| Highland Capital Management, L.P.        | § |                          |
|  | § | Case No.: 19-34054-sgj11 |
|  | § | Chapter No.: 11          |
|  | § |                          |
| Debtor(s)                                | § |                          |
| Hunter Mountain Investment Trust         | § |                          |
|  | § |                          |
| Appellant(s)                             | § |                          |
| vs.                                      | § |                          |
| Highland Capital Management, L.P, et al. | § |                          |
|  | § |                          |
| Appellee(s)                              | § |                          |
|  | § |                          |
|  | § |                          |
|  | § |                          |
|  | § |                          |
|  | § |                          |

**NOTICE REGARDING THE RECORD FOR A BANKRUPTCY APPEAL**

Federal Rule of Bankruptcy Procedure 8009 prescribes the deadlines for filing the designations of items to be included in the record, requires copies to be submitted to the bankruptcy clerk to prepare the record, and directs all parties to "take any other action necessary to enable the clerk to assemble and transmit the record." Fed.R.Bankr.P. 8009(g). The purpose of this notice is to provide guidance on the local application of this rule.

**DESIGNATION OF THE RECORD**

- If you are the appellant, when designating items for inclusion in the record,
  - ◆ list the following items first, in this order: (1) the notice of appeal, (2) the judgment, order, or decree appealed from, (3) any opinion, findings of fact, and conclusions of law of the bankruptcy court, and (4) the docket sheet;
  - ◆ then list the *other* items to be included, leaving for the end of your list any sealed documents, any exhibits, and any transcripts.
- If you are the appellee, cross-appellant, or cross-appellee and are designating additional items,
  - ◆ list the following items first, in this order: (1) any notice of cross-appeal, (2) any judgment, order, or decree appealed from that the appellant has not designated, and (3) any opinion, findings of fact, and conclusions of law of the bankruptcy court that the appellant has not designated;
  - ◆ then list the *other* items to be included, leaving for the end of your list any sealed documents , any exhibits, and any transcripts.
- All parties designating items to be included in the record on appeal must
  - ◆ for each item, specify the document number shown on the docket sheet. If an item does not have a document number, specify the date the item was filed.

- ♦ If you have designated a transcript that has not been filed, order it immediately by contacting the presiding bankruptcy judge's courtroom deputy or following the instructions at <http://www.txnb.uscourts.gov/transcript-and-tape-orders>.

## ASSEMBLY OF THE RECORD

Within 14 days of filing your designation of the record, pursuant to Rule 8009, submit to the bankruptcy clerk any item that is **not available in the ECF system**, using this procedure:

- Enclose sealed items and non-documentary items (e.g., removable media) in 8.5" x 11" envelopes.
- Copy all other items in PDF files to a removable storage device (e.g., USB drives, DVDs, etc.), organized in the sequence in which they were designated. Limit files to 5.0 MB in size and do not include color.
- Save copies of court exhibits in PDF files to a removable storage device, organized in the sequence in which they are designated. Limit files to 5.0 MB in size and do not include color. (Use a separate removable storage device for each hearing.)
- Label any submission with the case caption and bankruptcy court case and/or adversary proceeding number.

## TRANSMITTAL OF THE RECORD

- The bankruptcy clerk will electronically transmit the record to the district clerk. The parties must provide a paper copy of the record, if required.

## REQUIREMENTS REGARDING PAPER RECORD

- If the district judge requires a paper copy, the district clerk will notify you that you are required to provide a copy of the items in *your* designation **to the bankruptcy clerk**, for quality review.
- If you are notified to provide a paper copy, organize the record according to the volumes maintained in the **district court's ECF system**.
- Even if a paper copy is not required when an appeal is entered on the docket, the district judge or the district clerk may later notify you that a paper copy is required for the use of the district judge or the court of appeals.

DATED: 9/19/23

FOR THE COURT:  
Robert P. Colwell, Clerk of Court

by: /s/Sheniqua Whitaker, Deputy Clerk

In re:  
Highland Capital Management, L.P.  
Debtor

Case No. 19-34054-sgj  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0539-3  
Date Rcvd: Sep 19, 2023

User: admin  
Form ID: BTXN113

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Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition   |
|--------|--|
| +      | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 21, 2023:

| Recip ID | Recipient Name and Address  |
|----------|---|
| aty      | + Jeffrey N. Pomerantz, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067-4114 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address  |
|----------|---------------|---|
| aty      | *+            | Jeffrey N. Pomerantz, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067-4114 |

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 21, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 19, 2023 at the address(es) listed below:

| Name                 | Email Address  |
|----------------------|--|
| A. Lee Hogewood, III | on behalf of Interested Party NexPoint Real Estate Strategies Fund lee.hogewood@klgates.com<br>matthew.houston@klgates.com;Sarah.bryant@klgates.com;Mary-Beth.pearson@klgates.com;litigation.docketing@klgates.com;E mily.mather@klgates.com;Artoush.varshosaz@klgates.com |
| A. Lee Hogewood, III | on behalf of Defendant NexPoint Advisors L.P. lee.hogewood@klgates.com,<br>matthew.houston@klgates.com;Sarah.bryant@klgates.com;Mary-Beth.pearson@klgates.com;litigation.docketing@klgates.com;E mily.mather@klgates.com;Artoush.varshosaz@klgates.com                     |
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| Brian D. Glueckstein | on behalf of Defendant Mark Okada gluecksteinb@sullcrom.com  |
| Brian D. Glueckstein | on behalf of Interested Party Mark Okada gluecksteinb@sullcrom.com   |
| Brian D. Glueckstein | on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 gluecksteinb@sullcrom.com                 |
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| Brian D. Glueckstein | on behalf of Interested Party Okada Family Foundation Inc. gluecksteinb@sullcrom.com   |

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| Cameron A. Fine             | on behalf of Defendant DUGABOY INVESTMENT TRUST AND NANCY DONDERO AS TRUSTEE OF DUGABOY<br>INVESTMENT TRUST cameron.fine@us.dlapiper.com   |
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